

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FAFARD REAL ESTATE &)	
DEVELOPMENT CORP.)	
)	
Plaintiff,)	
)	
vs.)	NO. 0411531-RGS
)	
)	
METRO-BOSTON BROADCASTING,)	
INC.,)	
Defendant.)	
)	

MOTION FOR ENDORSEMENT OF LIS PENDENS

Pursuant to M.G.L. c. 184, § 15, the Plaintiff, Fafard Real Estate & Development Corp. (“Fafard”) in the case of *Fafard Real Estate & Development Corp. v. Metro-Boston Broadcasting, Inc.*, commenced in the Middlesex County Superior Court on June 2, 2004, requests that this Court approve and endorse the attached Memorandum of Lis Pendens relating to the property of the Defendant, Metro-Boston Broadcasting, located at Lots 6B, 12, and a portion (10 acres) of Lot 11, Ashland, in Middlesex County of Massachusetts, which land is shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan # 16849 of 1981, and is more fully described in a Subdivision Plan of Land recorded with the Middlesex South Registry of Deeds in Book 936, Page 51. The action was subsequently removed to this Court by the defendant.

M.G.L. c. 184, §15 makes it clear that a memorandum of lis pendens shall be endorsed if “the subject matter of the action constitutes a claim of a right to title to real property or the use and occupation thereof or the buildings thereon.” As grounds for this motion, the Fafard states

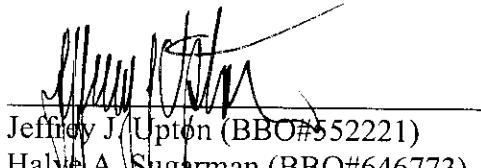
that the subject matter of the action constitutes a claim of right to title to real property or the use and occupation thereof or the buildings thereon, insofar as the action seeks specific performance of a written purchase and sale agreement with respect to the subject property. Fafard relies on its Verified Complaint in support of this motion.

WHEREFORE, for the foregoing reasons, Fafard requests that this Court endorse the Memorandum of Lis Pendens attached hereto as Exhibit A.

Respectfully submitted,

FAFARD REAL ESTATE &
DEVELOPMENT CORP.

By its attorneys,



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